

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-1126

September Term, 2016

NLRB-8CA038092

Filed On: July 14, 2017

Midwest Terminals of Toledo International,
Inc.,

Petitioner

v.

National Labor Relations Board,

Respondent

Consolidated with 15-1168

BEFORE: Tatel, Brown, and Wilkins, Circuit Judges

ORDER

Upon consideration of the motion to vacate and remand and for expedited issuance of mandate in light of the Supreme Court's decision in NLRB v. SW General, Inc., the opposition thereto, and the reply, it is

ORDERED that the petition for review be granted, the cross-application for enforcement be denied, the decision of the National Labor Relations Board be vacated, and the case remanded for further proceedings before the Board. See NLRB v. SW General, Inc., 137 S. Ct. 929 (2017), aff'g SW General, Inc. v. NLRB, 796 F.3d 67 (D.C. Cir. 2015). Petitioner may raise its laches argument on remand and seek judicial review if unsatisfied with the result.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to issue the mandate forthwith to the agency.

Per Curiam

Exhibit A